



May 12, 2000

Ms. Nydia D. Thomas
Staff Attorney and Public Information Officer
Texas Juvenile Probation Commission
P.O. Box 13547
Austin, Texas 78711

OR2000-1906

Dear Ms. Thomas:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 135701.

The Texas Juvenile Probation Commission (the "commission") received a written request for the "letter and court papers sent to [a commission employee] concerning The Lord's Ranch and or Ted Suhl, Bud Suhl and Kevin Suhl." As we understand your letter to us, you do not contend that the requested "court papers" are excepted from public disclosure. *See also* Gov't Code § 552.022(a)(17) (information contained in public court records not excepted from required public disclosure). Rather, you only seek to withhold the identity of the author of the requested letter pursuant to common law privacy and the informer's privilege as incorporated into section 552.101 of the Government Code.¹

Section 552.101 of the Government Code excepts from required public disclosure information coming within the "informer's privilege." *See generally* Open Records Decision No. 515 (1988). The "informer's privilege" aspect of section 552.101 protects the identity of persons who report violations of the law. Although the privilege ordinarily applies to the efforts of law enforcement agencies, it can apply to administrative officials with a duty of enforcing particular laws. Attorney General Opinion MW-575 (1982); Open Records

¹Because we resolve your request under the informer's privilege, we need not address your contentions regarding common law privacy.

Nos. 515 (1988), 391 (1983). Because part of the purpose of the privilege is to prevent retaliation against informants, the privilege does not apply when the informant's identity is known to the individual who is the subject of the complaint. *See* Open Records Decision No. 208 (1978).

After reviewing the letter you submitted to this office, we agree that the information redacted from Exhibit B, the corresponding information contained in Exhibit A, and the information you have marked in Exhibit C is protected by the informer's privilege. Accordingly, the commission may withhold these portions of the documents at issue pursuant to section 552.101 of the Government Code.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

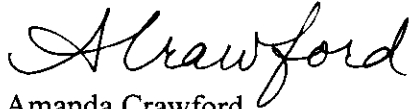
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script that reads "A Crawford".

Amanda Crawford
Assistant Attorney General
Open Records Division

AEC/RWP/ljp

Ref: ID# 135701

Encl. Submitted documents

cc: Mr. Kevin Suhl
116 S. Fillmore
Amarillo, Texas 79101
(w/o enclosures)